

Appl. No. : 10/774,863  
Filed : February 9, 2004

#### COMMENTS

Claims 32-41 remain pending in the present application, Claims 32 and 40 having been amended. The claims set forth above include markings to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

Initially, Applicant would like to thank Examiner Basinger for the courteous interview extended to Applicant's counsel on August 10, 2006, during which the outstanding rejections were discussed. In particular, Applicant's counsel explained that the presently pending claims defined over all of the cited references. Additionally, Applicant's counsel suggested amending Claim 32 to change the term "when" in the last line of Claim 32 to the term "before" and that this minor clarification addressed the Examiner's concerns that original Claim 32 did not define over the cited references. On the basis of the interview and in response to the Office Action mailed June 6, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

#### **Claims 32, 33, 35, and 37-41 Are Not Anticipated By Rheault et al., Or Iida et al.**

Claims 32, 33, 35, and 37-41 stand rejected as being anticipated under 35 U.S.C. § 102(e) as being anticipated by Rheault et al. and Iida et al. Applicant traverses the present rejection. However, in order to expedite prosecution of the present application, Claims 32 and 40 have been amended as discussed during the interview. Applicant expressly reserves the right to further prosecute the original versions of Claims 32-41 through continuation practice.

As explained during the interview neither Rheault et al. or Iida et al. teach a system that moves an adjustable throttle position limit in response to a speed of a watercraft *before* the throttle lever is released by an operator.

The embodiments disclosed in column 15 of the Rheault et al. reference are cited to as anticipating Claims 32 and 40. However, Applicant would like to point out that at column 15, the Rheault et al. reference fails to teach a system that includes a limit that is moved in response to watercraft speed, *before* the throttle lever is released by the operator. Rather, the Rheault et al. reference teaches that

The electronic control module generates an output signal that activates a throttle actuator **only when** the measured throttle setting is less than the

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desired throttle setting for a given speed and steer angle. In other words, the output signal is **only generated** if the signal from the manual throttle control corresponds to a throttle setting that will produce a thrust less than what is needed to steer the watercraft. The throttle actuator opens and closes the throttle so as to optimize the thrust for steering.

Rheault et al., col. 15, lines 12-18 (emphasis added)

Thus, according to this description, the system will only increase power from the engine only *after* the throttle lever has been released to a throttle opening that is insufficient to steer. Rheault et al., therefore, fails to teach a system that moves a limit *before* the throttle lever is released.

In contrast, Claim 31 now recites, among other recitations, "an actuator configured to define an adjustable limit for the movement of the throttle valve against the bias of the throttle valve towards the closed position, and a controller configured to control the actuator so as to move the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft ~~when~~before the throttle lever is released by an operator."

Similarly, Claim 40 now recites, among other recitations, "means for limiting the movement of the throttle valve against the bias of the throttle valve towards the closed position and for moving the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft ~~when~~before the throttle lever is released by an operator."

This distinction is important because as discussed during the interview, by moving the limit *before* the throttle lever is released by the operator, there is no lag in providing the additional power output from the engine used for steering. Additionally, a lower power processor or controller can be used because it is not necessary for the electronics to be able to respond as fast if the limit is moved *before* the operator releases the throttle lever.

Iida et al. also does not anticipate Claims 31 or 40. Rather, the system of Iida et al., as illustrated in FIG. 4 thereof, does not enter the "Engine Output Control Mode" until it reaches step S7, i.e., only after the throttle valve has been released by the operator (e.g., a positive result of step S4). Thus, Iida et al. does not teach moving a throttle valve limit *before* the throttle lever is released by the operator.

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Accordingly, Applicant submits that neither Rheault et al. nor Iida et al anticipate Claims 31 or 40. Additionally, Applicant submits that Claims 33-39 and 41 also define over these references, not only because they depend from Claims 32 or 40, but also on their own merit.

Rheault et al. Does Not Make Claim 39 Obvious

Claim 39 stands rejected under 35 U.S.C. § 103(a) as being obvious over Rheault et al. Applicant respectfully traverses the present rejection. However, in order to expedite prosecution of the present application, Applicant has amended Claim 32, and as noted above, submits that Claim 32 clearly defines over the outstanding rejection. Additionally, as noted above, Applicant submits that Claim 39 also defines over the Rheault et al. reference, not only because it depends from Claim 32, but also on its own merit.

The Amendments To Claims 32 And 40 Do Not Add New Matter

During the interview, the Examiner requested that Applicant provide a clear indication of the support for the above amendments to Claims 32 and 40. Thus, in compliance with this request, Applicant respectfully directs the Examiner to paragraph [0047] which discloses that:

**If the engine rpm maintains a speed above the reference rpm for greater than the predetermined amount of time, at S4, the ECU sends instructions to actuate the throttle valve control mechanism 130. At S5, the ECU 86 then monitors the position of the throttle lever 52 via the throttle lever sensor 89 to determine when the throttle lever 52 returns to an idle position. Once the throttle lever 52 is returned to an idle position, the ECU 86 receives the corresponding signal from the throttle lever sensor 89 and, at S5, waits for a predetermined amount of time to elapse, such as, for example, but without limitation, 3 seconds. During this time, the throttle valve control mechanism 130 holds open the throttle valves to maintain the engine at a speed above idle, such as, for example, but without limitation, at 3000 rpm. Once the predetermined amount of time elapses, the ECU 86 releases (i.e. deactivates) the throttle valve control mechanism 130 at S7 and the throttle valve 54 is allowed to return to a closed, idle position.**

Present Application, paragraph [0047].

This disclosure makes clear that the throttle control mechanism 130 is activated *before* the throttle lever is released by the operator.

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Further, the present application discloses that:

Accordingly, once the ECU 86 activates the throttle valve control mechanism 130 and the plunger 133 is extended, even if an operator releases the throttle lever 52, the throttle valve 54 remains in a partially opened position to provide a thrust above idle to provide for sharp steering of the watercraft. As described in relation to FIGURE 3, the ECU 86 deactivates the throttle valve control mechanism 130 after a prescribed amount of time and the engine is allowed to return to an idle state.

Present Application, paragraph [0052].

Paragraph [0057] also provides further support for these claim amendments. In light of these disclosures included in the specification as originally filed, Applicant submits that the amendments to Claims 32 and 40 do not present new matter.

#### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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